

ATTACHMENT 1

Councillors Expenses and Facilities Policy 2011-2012

As amended XX 2011

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POLICY

TITLE	COUNCILLORS EXPENSES AND FACILITIES POLICY		
DATE ADOPTED	14 June 1994	MINUTE	419/95
REVISED	XX November 2011	REVIEW	2011
RECORD	D/W no: 217363		
ASSOCIATED LEGISLATION	<ul style="list-style-type: none">• <i>Anti-Discrimination Act 1977</i>• <i>Income Tax Assessment Act 1997</i>• <i>Independent Commission Against Corruption Act 1988</i>• <i>Local Government (General) Regulation 2005</i>• <i>Local Government Act 1993</i>		
ASSOCIATED POLICIES	<ul style="list-style-type: none">• Strathfield Council Code of Conduct• Strathfield Council Acceptable Use of IT Policy• ATO ID 2007/205• ICAC Publication – <i>No Excuse for Misuse, preventing the misuse of Council resources</i>• Department of Local Government Circular 09-36 and <i>Guidelines for the payment of expenses and provision of facilities for Mayors and Councillors in NSW</i>• Department of Local Government Circular No 05/08 – Legal Assistance for Councillors and Council Employees and No 02/34 – Unauthorised Use of Council Resources		

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PART 1 INTRODUCTION

1.1 Title and Commencement

This policy is titled *Councillors Expenses and Facilities Policy*.

This policy was adopted by Council on 6 February 2007 and was last amended on 27 April 2010. The policy was formerly titled *Payment of Expenses and Provision of Facilities Policy for Councillors* and was first adopted by Council on 14 June 1994.

The following amendments have been made to this policy:

Date	Minute	Type	
1.8.95	419/95	Revision	
2.4.96	169/96	Revision	
17.11.98	405/98	Revision	
5.6.01	309/01	Revision	
14.10.03	337/03	Revision	
6.7.04	133/04	Revision	
19.7.05	208/05	Revision	
6.12.05	370/05	Revision	
5.9.06	194/06	Revision	
6.2.07	20/07	Revision	
20.2.08	Administrative	Revision	Update reference in Part 4 to ATO Interpretative Decision 2007/205 regarding superannuation contributions inserted.
16.9.08	Administrative	Revision	Insert reference to use of Council resources consistent with Code of Conduct amended by Council on 5 August 2008
20.10.2009	365/09	Revision	Increases allowances for training and home expenses. Supersedes Council minute 142/08
27.4.2010	106/10	Revision	Alterations to councillor room entitlements and access procedures, limitations to childcare expenses, dispute resolution procedure, procedure for corporate gifts, new legal expenses section.

1.2 Background and purpose

The policy is established in accordance with the *Local Government Act 1993* which requires Council to adopt a policy setting out the provisions for payment of expenses and the provision of facilities to the Mayor, Deputy Mayor and Councillors in relation to their roles in discharging their civic office function.

1.3 Policy Objectives

The policy is made under sections 252 to 254 of the *Local Government Act 1993*, which requires that Council must adopt a policy concerning the payment of expenses and provision of facilities to the Mayor and Councillors.

The objectives of this policy are:

1. Promote public accountability and transparency in the use of Council facilities and reimbursement of expenses incurred by the Mayor and Councillors.
2. To provide for the fair and equitable payment and reimbursement of certain expenses, not considered to be included in the annual fees payable under sections 248 – 254A of

the Local Government Act, where such expenses are incurred by the Mayor and Councillors in discharging the functions of civic office.

3. To ensure that adequate facilities and resources are made available to the Mayor and Councillors to carry out their civic duties and fulfil their role as responsive and responsible community representatives.
4. To encourage participation by all eligible citizens in leadership of local government by providing fair and equitable access to facilities which promote and support diversity of community representation.
5. To fulfill the statutory responsibilities of Section 252 of the Local Government Act and the Local Government (General) Regulations, having regard to:
 - The Division of Local Government publication “Guidelines for the payment of expenses and provision of facilities for Mayors and Councillors in NSW” – October 2009.
 - Council’s Code of Conduct and ICAC Publication – No Excuse for Misuse, preventing the misuse of Council resources
 - Other relevant publications.

1.4 Reporting Requirements

In accordance with the *Local Government Act* and Regulation, Council reports on expenditure incurred by Councillors pursuant to this policy in the Annual Report.

1.5 Definitions

Civic office function: Functions that Councillors are required to undertake to fulfil their legislated role and responsibilities for the Council that should result in a direct benefit for the council and/or the Strathfield Local Government Area.

Expenses: Payments made by Council to reimburse Councillors for reasonable costs or charges incurred or to be incurred for discharging their civic functions. Expenses are separate and additional to annual fees and paid in accordance with this policy.

Facilities: Equipment and services that are provided by Council to Councillors to enable them to perform their civic functions and at a standard appropriate to their professional role as Councillors.

Incidental use: use that is casual, occasional or minor incurring minimal cost or time.

PART 2 FACILITIES FOR MAYOR AND COUNCILLORS

2.1 Conduct and Ethical use of Council resources

The *Local Government Act* and Council's Code of Conduct requires Councillors to act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out their civic functions.

Councillors are required to use council's resources ethically, effectively, efficiently and carefully. Council's property including intellectual property, official services and facilities must not be misused by any person or body for private benefit or gain.

Councillors must avoid any action or situation that could create the appearance that Council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.

Councillors must not use Council resources for private purposes unless this use is lawfully authorised and proper payment is made where appropriate.

Council facilities, equipment and services are not to be used to produce election material or for any other political purpose.

Councillors must not permit misuse of Council's resources and property by any other person or body. Councillors must not use Council's computer resources to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature.

The interests of a Councillor in their re-election are considered to be a personal interest. Official council material such as letterheads, publications, websites as well as council services and forums are not to be used for such personal interests. Councillors must avoid giving the appearance that Council resources are being used for these purposes.

2.2 Councillors Facilities

The facilities available to all councillors to discharge the functions of civic office are as follows:

- a) Upon commencement of councillor office, Council will provide one off equipment to the retail value of \$3000 such as a personal desktop or laptop computer (including monitor, keyboard, mouse and appropriate software), mobile phone or personal digital assistant (PDA) to the retail value of \$3000. Council will replace or update equipment where required.
- b) Councillors can claim reimbursement for purchases of home office equipment to the maximum retail value of \$1500 on an annual basis (eg anniversary of election to office or pro-rata if applicable). Home office equipment may include office furniture (ie desk, chair, filing cabinet) and/or technology (ie printer, fax machine, software etc). Claims for reimbursement must be accompanied by sufficient documentation (eg reasons for purchase, receipts, name of purchaser etc) to clearly support the claim for reimbursement.
- c) Council will reimburse to the limit of \$150 per month for council related phone calls (including PDAs) for councillors (including mayor and deputy mayor). In order to be entitled to the reimbursement of telephone calls, the Councillor must:

- make his/her telephone and facsimile numbers available to the public to ensure that he/she is accessible to the residents and ratepayers of Strathfield Municipality
 - identify the calls associated with his/her duties as councillor on his/her mobile telephone account
 - meet the cost of any private usage (eg calls not relating to official functions of Council)
 - Charges in excess of \$150 per month (including GST) are the responsibility of the Councillor and will be paid to Council within 30 days of request.
 - Claims for reimbursement must be accompanied by sufficient documentation (eg copy of phone bill etc) to clearly support the claim for reimbursement.
 - Claims for calls on non-Council allocated phones must provide documentation which clearly indicates the costs which are council-related eg phone bill in the name of the Councillor.
- d) All councillors are provided with remote access to Strathfield's Councillor Intranet, online facility providing information and documents to support and assist Councillors in their official duties.
- e) Council will reimburse the costs of internet access (including broadband) from their homes to assist councillors in accessing information, including Councillor Intranet and business papers electronically. Council will reimburse councillors cost of set-up (\$200 limit) and a monthly access charge limit of \$50.00 per month (including GST). Reimbursement will be made only if appropriate documentation is submitted to support the claim for expenses.
- f) Council will annually provide councillors with 500 sheets of personalised councillor letterhead stationary. Council stationary must only be used for council business purposes.
- g) Council will pay for postage of official correspondence provided that all mail is directed through Council's mailing system and a copy of correspondence is maintained on relevant council records.
- h) A suitable name badge
- i) Council will annually provide 500 councillor business cards (replenished annually), which are set out in accordance with Council's corporate standards. The content of business cards must not contain political statements or advertising.
- j) Meals on evenings of council meetings and official dinners are available to councillors. Light refreshments will be available for meetings/training of short duration eg briefing sessions. Meals and refreshments will make provision for dietary and medical considerations.
- k) Access to a meeting room for use by councillors for official business purposes only and in accordance with access procedures (appendix 1). Access to Council meeting rooms must comply with Council's standards for workplace security and safety. Use requires approval of the General Manager and must relate to the business of Council. Council facilities are not to be used for political, commercial or private purposes.
- l) Use of the Council Chambers is restricted to Civic occasions only (hosted by the Mayor or the Mayor's representative), or authorised by the General Manager
- m) Councillors can make a request to the General Manager for use of a vehicle from Council's fleet to attend Council official business. Approval will be granted for any reasonable request, subject to availability of vehicles.

- n) Parking for Councillors is available in the Council staff parking area at Council's offices after 6pm and at times when Council and Committee meetings or official events are scheduled.

2.3 Mayor

In addition to those facilities provided to the Councillors, the Mayor in carrying out the duties of that office, is entitled to receive the benefit of the following facilities subject to conditions without reduction of fees payable under s248 and/or 249 of the Act:

- a) Use of ceremonial clothing such as the Mayoral robes and Mayoral chains for official, civic or ceremonial use.
- b) A suitable name badge for the Mayor
- c) An appropriately furnished office at Strathfield Council including phone and other office incidentals. The Mayor will be provided with security access to the Mayor's Room. The above key remains the property of the Council and must be returned to Council upon the person ceasing to hold office.
- d) Mayoral letterhead for use by the Mayor for official correspondence including Christmas cards.
- e) 1000 Business cards for his/her role as Mayor (replenished annually).
- f) Council will provide secretarial and administrative assistance relating to the discharge of the Mayor's civic functions.
- g) Refreshments essential for the running of the Mayoral office will be made available by Council.
- h) Council will allocate a fully maintained vehicle from Council's motor vehicle fleet for use of the Mayor for official business. The vehicle type and model may change from time to time as vehicles are changed over in accordance with Council's motor vehicle policies and procedures. The estimated maximum operating cost of a fully maintained vehicle (including insurance, registration and fuel) is \$15,000 (including GST).

The vehicle is for the use of the Mayor attending official business of the Council, which includes driving the vehicle to the Mayor's home or place of work. In the event that the vehicle is used for private purposes, reimbursement of costs associated with private use will be the responsibility of the Mayor (refer to Clause 2.5 Private Use of Facilities)

The upper cost of Council's fleet vehicles is limited by the Australian Taxation Office (ATO) luxury car determination¹ and managed in accordance with Council's *Sustainable Motor Fleet Policy*.

The Mayor and authorised Council staff members are entitled to drive the Mayoral vehicle.

Council will meet the cost of parking fees and road tolls for the Mayoral vehicle associated with business use of the vehicle. However, the driver of the vehicle is personally responsible for all traffic or parking fines incurred while travelling in private or Council vehicles on Council business.

The Mayoral vehicle will be allocated a dedicated parking space at Council's offices.

¹ ATO Determination for 2010/11 financial year is \$57,466. This is reviewed annually.

2.4 Deputy Mayor

The Deputy Mayor, at the sole discretion of the Mayor, may have the use of the facilities provided to the Mayor except for the Mayoral robes and Mayoral Chain and Mayoral vehicle. When the Deputy Mayor is acting in the position of Mayor due to the absence of the Mayor, the Deputy Mayor will have use of the facilities allocated to the Mayor. Council will also provide to the Deputy Mayor:

- a) A suitable name badge.
- b) Refreshments to the Deputy Mayor when fulfilling his/her duties as required.

The person appointed Acting Mayor by resolution of the Council is authorised to wear the Mayoral Robes and Chain of Office but in no other circumstances is the Deputy Mayor to wear them.

2.5 Private use of equipment and facilities

Councillors are not entitled to private benefit in respect to the provision of Councillor's equipment and facilities, however Council acknowledges that incidental private use may occur from time to time which is not subject to a compensatory payment.

Where the Mayor (or if the councillor concerned is the Mayor, then the Deputy Mayor) and the General Manager decide that a councillor's private use is more than incidental, the councillor shall compensate Council for the private use within 30 days of request.

Council is entitled to deduct from the councillor's fees any amounts outstanding after 30 days from request. Where councillors wish to use Council's home office equipment for more than one hour per week for private use, private use of home office equipment is authorised on approval of a councillor's application by the General Manager and where the specified payment is made.

Approval for private use arrangements are made on an annual basis and councillors must apply for continued private use.

Applications must be made in the form of the *Private Use of Council's Home Office Equipment Councillor Application Form* attached to this policy.

2.6 Requests for facilities or reimbursement of expenses

Only requests that conform to the provisions of this policy will be considered.

Requests for reimbursement of expenses shall be made by completing the Reimbursement of Expenses form attached to this policy.

Requests for facilities shall be made by completing the Request for Expenditure form attached to this policy.

Completed requests shall be submitted to the General Managers Office.

Council will respond to requests as soon as practicable.

2.7 Approval of Expenses Claims

Except where approval process is otherwise specified in the policy, all other claims will be determined by the General Manager and Director Corporate Services, Group Manager Corporate Services or Manager Finance.

2.8 Maintenance of Council property

The equipment provided by Council to councillors is for the exclusive use of the councillor for Council business. Councillors are not permitted to loan the equipment to a third party. Councillors shall be responsible for the good care and proper use of such equipment and to promptly report any faults, malfunctions or needs for service/repair to the Council.

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PART 3 PAYMENT OF EXPENSES

3.1 General Provisions

3.2 Allowances and expenses

Council does not provide general allowances to councillors. Councillors are entitled to only the expenses set out in this policy provided that they satisfy the stated requirements.

3.3 Payment in Advance

It is recognised that the nature of expenses necessarily incurred by the Mayor or Councillors are such that the expenses may need to be prepaid on occasions, particularly for attending conferences, seminars and training away from home.

Payments in advance require the approval of the Mayor and the General Manager.

In the event of an approval being given, a reconciliation of the funds expended, receipts and funds not expended, is to be submitted to the General Manager within seven (7) working days of the purpose of the payment in advance eg conclusion of conference or seminar.

3.4 Reimbursement of expenses

Councillors must seek reimbursement of expenses under this policy by lodgement of a formal written claim no later than three weeks after the expense was incurred. Each claim must include original receipts, or tax invoices (where GST applies), to be considered for reimbursement. Reimbursement of travelling expenses shall state the following:

- Time and place of departure
- Time and place of arrival
- Distance travelled
- Fares and parking fees paid, attaching receipts where possible
- Number of days and hours occupied in travelling to and from the conference/seminar/training courses and attending Council meetings or on the authorised business of Council.
- Total amount of claim

The rate of calculation of the amount payable for travel in a Councillor's own car shall be the rate payable for claims by staff in the Local Government (State) Award.

3.5 Establishment of monetary limits and standards

3.5.1 Meals

The maximum claimable amount for each meal and is in accordance with ATO determination on reasonable travel and meal allowances and expenses.

3.5.2 Incidental expenses

The maximum claimable amount for incidental expenses on a daily basis is \$21.35

3.5.3 Single travel trips

Councillors are entitled to use public transport or taxi transport provided that the cost of a single trip does not exceed \$50.00 (including GST), unless otherwise approved by the Mayor and General Manager.

3.5.4 Spouse and partner expenses

Council will not meet registration fees for a partner accompanying a delegate on conferences, training sessions or seminars. The councillor, including any expenses incurred in an accompanying person's program, will meet all expenses.

3.6 Seminars, Training and Conferences budget allocation

Strathfield Council allocates the amount of \$22,500 to cover expenses associated with attendance at conferences, seminars and training sessions. The budget is made up of \$12,500 for conferences and seminars and \$10,000 for training.

3.6.1 Attendance at Seminars and Conferences

Councillors may attend conferences, seminars, congresses, forums, workshops, courses, meetings, deputations, information and training sessions, events etc related to Council business and where the Mayor and/or Councillor(s) have been appropriately authorised to attend as a participant, delegate or observer.

Requests for attending conferences should generally be in writing outlining the benefits for Council. Approval for attending conferences or discretionary trips should be approved by a full meeting of Council. If this is not possible or expedient, the Mayor and General Manager should jointly give approval. If the matter concerns the Mayor, approval should be given jointly by the General Manager and Deputy Mayor.

After returning from the conference, councillors or a member of council staff accompanying the councillor(s), should provide a written report to council on the aspects of the conference relevant to council business and/or the local community.

No written report is required for the Annual Conferences of the Local Government and Shires Association.

Council will pay all normal registration costs for delegates attending conferences, seminars or training sessions including the costs of related council luncheons, dinners and tours which are relevant to the interests of Council or assist Councillors to discharge the functions of their civic office.

3.6.2 Training Courses

Council allocates \$10,000 on an annual basis for Councillor attendance at training and educational sessions to support and encourage an active learning process and skills development relevant to the councillor's civic functions and responsibilities. This amount is additional to funds allocated to attendance at seminars and conferences related to council functions.

Council encourages Councillors to undertake training and educational courses, and to attend seminars or briefings from key members of the community, politicians and business that are directly related to the civic functions and responsibilities.

Councillors who wish to attend a training and educational course, or attend a seminar or briefing, must provide a written request to the General Manager stating the reasons why the councillor wishes to attend and what benefits it will bring to Council, unless invited to attend by the Mayor. The Mayor and General Manager should jointly give approval. If the matter

concerns the Mayor, approval should be given jointly by the General Manager and Deputy Mayor.

3.7 Accommodation

Council will pay for accommodation for conferences, seminar or training sessions, which are held outside of the Sydney Metropolitan Area. Council will not pay for accommodation within the Sydney Metropolitan Area.

Delegates will be accommodated in the hotel where the conference, seminar or training session is being held or the nearest hotel to the conference, seminar or training session of a similar standard.

Council will provide accommodation for delegates at the rate of a double room including the night before and/or after the conference where this is necessary because of travel and/or conference timetables.

3.8 Travel within the Sydney Metropolitan Area

Councillors may claim kilometre allowance for use of private vehicles when used to travel (including return) between their place of residence and:

- to attend Council or Committee meetings of which they are a member
- appointments within the Strathfield Municipality involving Council business
- inspections within Strathfield Municipality undertaken in compliance with a resolution of the Council
- attending public meetings convened by the Council
- functions or meetings where they act as a representative of the Mayor or Council when requested by the Mayor
- attending training sessions or seminars approved by Council
- kilometre rates for such travel will be paid at the rate set by the appropriate Local Government Industrial Award, as at the date of travel
- travel is undertaken expediently and by the shortest practicable route subject to personal medical considerations or special needs

Council will meet the cost incurred of authorised travel by public transport or taxi in the circumstances listed above. Payment is subject to a formal claim form being lodged not later than three (3) months after the travel occurred, with attached receipts, if appropriate

The driver is personally responsible for all traffic or parking fines incurred while travelling in private or Council vehicles on Council business. Where the councillor is not the driver, the councillor shall ensure that all traffic or parking fines are paid.

Councillors are entitled to use public transport or taxi transport provided that the cost of a single trip does not exceed \$50.00 (including GST), unless otherwise approved by the Mayor and General Manager.

3.9 Travel outside the Sydney Metropolitan Area Including Interstate Travel

Council will meet all reasonable travel costs associated with an approved attendance. Travel may be by air, private or hire car, train or taxi. Payment shall not exceed the cost of an economy class airfare to and from the particular destination.

Prior approval of travel is required for interstate travel. The application for approval should include full details of the travel, including itinerary, costs and reasons for the travel. Where air travel is approved, Council will pay for economy class. Depending on the location or circumstances, it may be more appropriate for travel to be undertaken by car or train.

Travel by private or hire vehicle shall be subject to prior approval from the General Manager and provided that:

- a) the travel is undertaken expediently, and by the shortest practicable route, subject to personal medical considerations or special needs. Any costs incurred in anything other than Council business shall not be included in expenses paid by Council.
- b) Council will reimburse Councillors with travelling expenses incurred in his/her own vehicle, on the basis of the rate per kilometre set down in the appropriate Local Government Industrial Award. Parking station fees will also be met but claims for repairs or accidental damage to the Councillor's own car will be covered in the payment per kilometre.
- c) payment will not exceed the cost of economy class airfares to and from the particular destination
- d) Council will meet reasonable travel costs for Councillors/delegates to and from the conference location and venue will be met by the Council, including costs of transferring delegates from the airport to the hotel and return at the conclusion of the conference/seminar/training course.
- e) Should a delegate be accommodated in a hotel not being the site of the conference/seminar/training course, and the delegate is travelling in their own vehicle, Council will meet the cost of travelling from the hotel to the site of the conference/seminar/ training course and return each day to the conference/seminar/ training course.
- f) All other transfers are to be met by the delegate.
- g) The driver is personally responsible for all traffic or parking fines incurred while travelling in private or council vehicles on council business.
- h) Where travel by motor vehicle is used it should be undertaken by Council vehicle where available, or by private vehicle subject to approval by the General Manager. Councillors using private vehicles in accordance with this Policy may claim the kilometre allowance at the date of travel as previously mentioned. Costs of vehicle hire, taxi fares and parking which are reasonably required and incurred in attending conferences, will be reimbursed by the Council upon presentation of official receipts and completion of the necessary claim forms.
- i) Council is unable to nominate a reimbursement limit as travel costs may vary outside of Sydney Metropolitan Area, however it is expected that Councillors will endeavour to minimise expenses to reasonable limits.

3.10 Incidental Expenses

Delegates are entitled to reimbursement of reasonable incidental expenses associated with attending conferences, seminars or training courses. Reimbursement requires presentation of official receipts or certification of expenditure with the completed claim forms. Reimbursement limits are outlined in the section on 'Establishment of monetary limits'.

3.10.1 Meals

Council will meet the cost of breakfast, lunch and dinner for delegates where any of these meals are not provided as part of the conference/seminar/training course. Council will also meet the cost of reasonable drinks accompanying the meal. Reimbursement amounts are outlined in the section on 'Establishment of monetary limits'.

3.10.2 Laundry

Council will not meet the cost of laundry or dry cleaning services. Such services are to be met by the delegate.

3.10.3 Tipping

Council will not meet the cost of any tips provided by the delegate.

3.10.4 Bar Fridge

Council will not meet the cost of any expenses incurred from the use of the bar fridge provided in the hotel room.

3.10.5 Bar Service

Council will not meet the cost of any expenses incurred at the bar located within the hotel other than where delegates are reciprocating hospitality extended to them by other delegates or observers.

3.11 Overseas Travel

Council should avoid international visits unless direct and tangible benefits can be established for the Council and the local community. If Council is proposing any overseas travel, detailed proposals should be developed, including nomination of the councillors undertaking the trip, purpose of the trip and expected benefits. The duration, itinerary and approximate total costs of each proposed visit should also be provided.

Overseas travel must be approved by a meeting of the full council prior to a councillor undertaking the trip. Travel must be approved on an individual trip basis. Council will not allow the retrospective reimbursement of overseas travel expenses unless prior authorisation of the travel has been obtained.

Travel proposals should be publicly notified in the agenda for council meetings. The use of a Mayoral Minute to obtain council approval for travel is not appropriate as there should be public notification of Council's intention to consider the matter prior to the meeting.

After returning from overseas, councillors, or an accompanying member of council staff, should provide a detailed written report to council on the aspects of the trip relevant to council business and/or the local community.

Councillors are also strongly encouraged to report back on their overseas travel to a full meeting of the council. Details of overseas travel must also be included in council's annual reports.

Council is also required to report on the benefits of any proposed overseas sister city relationships.

3.12 Attendance at dinners and other non-council functions

Council may meet the cost of councillors' attendance at dinners and other non-council functions, which provide briefings to councillors from key members of the community, politicians and business.

Approval to meet expenses should only be given when the function is relevant to the council's interest. Only the cost of the service provided will be met.

No payment will be reimbursed for any component of a ticket that is additional to the service cost of the function, such as a donation to a political party or candidate's electoral fund, or some other private benefit. An additional payment to a registered charity may be acceptable as part of the cost of the function.

3.13 Carer and Other Related Expenses

Council will reimburse reasonable costs of carer arrangements up to the limit of \$2000 annually per councillor. This includes childcare expenses and the care of elderly, disabled and/or sick immediate family members for whom they have caring responsibilities, while attending:

- Council meetings
- Council Committee meetings
- Other Council related business eg conference, seminars, briefing sessions called by Council or Mayor.

Council will reimburse councillors for reasonable care costs paid to providers (other than their immediate family, spouse or partner) up to one hour before and after such meetings (based on advertised commencement time). Reimbursement of expenses requires production of appropriate receipts and tax invoices.

Assessment of claims and determination of reasonable rate of reimbursement will be made by comparison to cost of available services in the local area.

Council will make provision for the payment of other related expenses associated with the special requirements of councillors such as disability and access needs, to allow them to perform their normal civic duties and responsibilities. For any Councillor with a disability, the Council may resolve to provide reasonable additional facilities and expenses which may be necessary for the performance of their duties.

3.14 Corporate Gifts

On occasion, Council provides corporate gifts to individuals or organisations on behalf of Strathfield Council. Examples of such cases may include:

- Presentation to volunteers providing a service or benefit to Council
- Presentation to a local resident/community group
- Presentation to visiting persons or delegations eg gifts provided when conducting official business with representatives from another organisation. If a gift has been offered, Council may provide a gift in return.

Corporate gifts should be of token value ie valued under \$50 and may include pens, books, cups etc. Gifts may be provided to the Mayor and/Councillors for a council related business trip or if receiving official visitors. A written request should be made to the General Manager setting out reasons for the request and any supporting documentation eg correspondence etc. The General Manager is responsible for approval of requests.

PART 4 - INSURANCE AND LEGAL

4.1 Personal

Council shall provide for the insurance of a Councillor against personal injury whether fatal or not arising out of or in the course of carrying out duties or the performance by such Councillor in functions in his/her capacity as a member of Council.

4.2 Legal

Reasonable legal expenses of a councillor may only be met for legal proceedings being taken against a councillor in defending an action arising from the performance in good faith of a function under the Local Government Act or defending an action in defamation, provided that the outcome of the legal proceedings is favourable to the councillor.

Reasonable legal costs may also be available for an inquiry, investigation or hearing into a councillor's conduct by an appropriate investigative or review body including:

- a) Local Government Pecuniary Interest and Disciplinary Tribunal
- b) Independent Commission Against Corruption
- c) Office of the NSW Ombudsman
- d) Division of Local Government, Department of Premier and Cabinet
- e) NSW Police Force
- f) Director of Public Prosecutions
- g) Council's Conduct Review Committee/Reviewer.

This is provided that the subject of the inquiry, investigation or hearing arises from the performance in good faith of a councillor's functions under the Act and the matter before the investigative or review body has proceeded past any initial assessment phase to a formal investigation or review. In the case of a conduct complaint made against a councillor, legal costs should only be made available where a matter has been referred by a general manager to a conduct reviewer/conduct review committee to make formal enquiries into that matter in accordance with the procedures in Council's Code of Conduct. In the case of a pecuniary interest or misbehaviour matter legal costs should only be made available where a formal investigation has been commenced by the Division of Local Government.

In addition, legal costs must only be provided where the investigative or review body makes a finding that is not substantially unfavourable to the councillor. This may include circumstances in which a matter does not proceed to a finding. In relation to a councillor's conduct, a finding by an investigative or review body that an inadvertent minor technical breach had occurred may not necessarily be considered a substantially unfavourable outcome.

Council will not meet the legal costs of legal proceedings initiated by a councillor under any circumstance.

Council will not meet the legal costs of a councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation.

Legal costs must not be met for legal proceedings that do not involve a councillor performing their role as a councillor.

Council may lawfully obtain insurance cover against the risk of having to meet the reasonable legal costs of a councillor, or to reimburse those costs, provided that the costs or reimbursements are ones that the council is authorised to meet.

In the first instance that a councillor or mayor is involved in an incident that may require legal expenditure and prior to legal expenses being incurred, the General Manager must be informed. A report will be made to Council setting out the circumstances and estimated expenditure. Council is responsible for approval of legal expenditure relating to councillors and the mayor.

4.3 ICAC Inquiries

Councillors will be entitled to reimbursement of reasonable legal expenses incurred in connection with an inquiry conducted by ICAC in the following circumstances:

- Council is advised as soon as practicable prior to any expenses being incurred with the exception of those situations in which the ICAC requires that the matter remain confidential
- In the opinion of Council the involvement of the Councillor in the inquiry is directly related to their role as a councillor and the bona fide and/or proper discharge of their duties and functions of civic office.
- The bona fides and the conduct of the Councillor is not in any way questioned by the ICAC in its findings.

Legal expenses for appearance before an enquiry will not be met by council in circumstances where an application for legal assistance under Section 52 of the Independent Commission Against Corruption Act 1988 has been approved however reasonable expenses incurred prior to appearances at an enquiry or subsequently will be considered.

The amount of assistance will be limited to the amount determined by the Attorney General's department for legal assistance from time to time as provided for under Section 52 of the Independent Commission Against Corruption Act 1988.

Legal expenses will only be paid retrospectively following publishing by the ICAC of its findings.

4.4 Additional Mayoral Expenses

There are no additional Mayoral expenses provided under this policy. The Mayor is provided with the same expenses as Councillors.

PART 5 – OTHER MATTERS

5.1 Acquisition and returning of facilities and equipment by councillors

The equipment issued to councillors remains the property of Council and shall be returned on completion of the term of office. However, upon ceasing to be a councillor or in the event of Council deciding to dispose of the equipment, a councillor may request the purchase of such equipment. The General Manager shall consider each request and consider Council's leasing arrangements of such equipment. If the equipment is available to be sold, the General Manager will determine an "appropriate purchase price" based on a fair market value and as suggested by the leasing company or the general market.

5.2 Superannuation contributions

In accordance with the Australian Taxation Office Interpretative Decision 2007/205, Council may enter into an arrangement with a Councillor under which the Councillor agrees to forego all or part of their annual fee in exchange for the Council making contributions to a complying superannuation fund on their behalf.

5.3 Resolution of Disputed Decisions

Where a councillor disputes matters contained in this policy, this should be detailed in writing to the General Manager. The matter will be reviewed by the Mayor, Deputy Mayor and General Manager/or their representative and a report made to Council.

Appendix 1 – Procedures for Councillor access to meeting rooms

Council provides a meeting room for use by Councillors to assist in the performance of their civic office duties such as meeting with a resident to discuss a council business related matter.

The meeting room is not permitted to be used for non-Council business purposes such as commercial, political, private or social.

If the meeting room is located in a secure area of Council ie security card access is required to enter the building and/or room, for reasons of security and safety, a full record of all persons entering secure areas of Council must be kept. Therefore, Councillors are required to complete a log-book to record the details of any person accessing the meeting room and Council's offices.

At all times, members of the public are to be accompanied in the room by a Councillor. At no time, should there be more than 4 people in the room including the Councillor.

Prior booking and a limit of maximum of two (2) hours per day access is required in order that all councillors have fair and equitable access to the meeting room. This is a condition under the *Organisational Protocols for Councillors and Staff Policy*.

As the Councillors Room is located in a secure area of Council's offices and access to the room is limited to 8.30am and 7pm weekdays only. Access on weekends or other times will require approval of the General Manager.

All persons must leave the room and Council's offices by closing time. This will enable the building to be alarmed and secured.

Use of facilities will be regularly audited. Council may use security surveillance records, where required, to monitor use in accordance with Council's "*Security Systems Policy*".



PRIVATE USE OF COUNCIL HOME OFFICE EQUIPMENT AND COMMUNICATION DEVICES

Councillor application form

In accordance with Council's *Payment of Expenses and Provision of Facilities to Councillors Policy*, Councillors are required to reimburse payments for use of home office equipment or communication devices for non-Council related business. It is recognised that limited, incidental private use may occur up to 1 hour per week or 4 hours per month, which does not attract require repayment.

Form should be submitted on a monthly basis, if a declaration is required to be made. Details of costs incurred such as phone bills can be requested from Council.

Name:

Address:

Telephone:

Declaration of private use of home office equipment and/communication devices

Month:

Details of private & non-Council usage of equipment or communication expenses eg number of hours, cost of calls etc:

Payment method

Councillors can opt to reimburse expenses through deduction from councillor's fees or arranging payment by cash/credit card/cheque. Please nominate preferred method of payment:

I wish to have the amount of \$..... deducted from my councillors fees.

Payment for the amount of \$..... is attached.

Signature:

Date:

REIMBURSEMENT OF EXPENSES

Councillor application form

In accordance with Council's Councillors Expenses and Facilities Policy, Councillors can claim reimbursement of expenses incurred on Council related business.

Form should be submitted within 3 weeks of incurring expenses. Copies of receipts or invoices should be attached to this form. If reimbursement involves incidental expenditure eg tolls, parking etc where receipts have not been issued, please attach a signed statement of expenditure.

Name:

Address:

Telephone:

Purpose of expense:

Date(s) of expenses:

Details of expenditure

.....

.....

.....

.....

.....

Signature

Date

..... **Office Use Only**

Expenditure is authorised under Councillors Expenses and Facilities Policy Yes No

General Manager (print name)

Signature

Date

(print name)

Signature

Date

REQUEST FOR EXPENDITURE

Councillor application form

This form is to be completed where Councillors require facilities to enable them to carry out their role as a Councillor. The request will be reviewed against the Councillors Facilities and Expenses Policy.

Name:

Address:

Telephone:

Purpose of expense:

Date(s) of expenses:

Details of expenditure

.....

Signature

Date

..... **Office Use Only**

Expenditure is authorised under Councillors Expenses and Facilities Policy Yes No

General Manager (print name)

Signature

Date

(print name)

Signature

Date



REQUEST FOR PAYMENT IN ADVANCE

Councillor application form

In accordance with Council's Councillors Expenses and Facilities Policy, Councillors can request payment in advance for prepayment of expenses (refer clause 3.3). Reconciliation of funds expended must be made within seven (7) working days of the purpose of the payment in advance.

Name:

Address:

Telephone:

Purpose of expense:

Date(s) of expenses:

Details of expenditure

.....
.....
.....
.....
.....

Name

Date

Office Use Only

Expenditure is authorised under Councillors Expenses and Facilities Policy Yes No

Mayor (print name)

General Manager (print name)

Signature

Signature

Date

Date